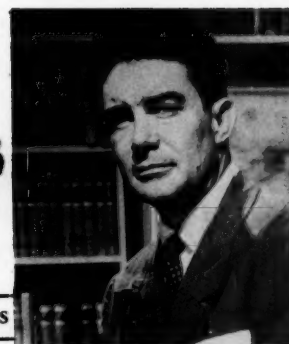


THE *Dan Smoot Report*



DAN SMOOT

Vol. 4, No. 44

Monday, November 3, 1958

Dallas, Texas

Communists and Friends

On August 1, 1958, the American Bar Association's Special Committee on Communist Tactics, Strategy, and Objectives, formally presented its 1958 annual report.

The preface of this report is called, "Paul Reverses Are Not Always Heeded." It begins:

"A Night to Remember tells of the five iceberg warnings sent by wireless to the Titanic. When the sixth message, 'Look out for icebergs,' came in, the Titanic's operator wired back: 'Shut up, I'm busy.' Just 35 minutes later, the ship, whose captain had said, 'God Himself could not sink,' was sinking....

"Most persons who are informed on communism think our country is now in greater danger than ... the Titanic (was)."

Chapter II of the 1958 American Bar Association report on communism is captioned, "Communist Tactics." This chapter says, in part:

"Communist Russia has been called 'a riddle wrapped in a mystery inside an enigma.' This is true only for those who are ignorant of Communist writings....

"For those who want to understand Communism, we prescribe, not a 15-day trip to Russia, but 15 days in a library studying the Communist conspiracy."

The American Bar Association's report lists eleven major objectives currently being pursued by the communist conspiracy in America: (1) Nullify all anti-communist legislation; (2) Muzzle all official investigations of communism; (3) Destroy all security systems, of federal and state governments, designed to protect governmental service against communist infiltration, espionage, and sabotage; (4) Deceive and disarm the west with false campaigns for "peace" and "peaceful co-existence"; (5) Promote summit conferences between the American President and communist heads of state; (6) Promote "cultural" exchanges between America and communist countries; (7) Obtain American diplomatic recognition of Red China; (8) Halt American testing of nuclear weapons; (9) Promote east-west trade — trade between communist and western nations; (10) Continue flooding America with com-

THE DAN SMOOT REPORT, a magazine edited and published weekly by Dan Smoot, mailing address P. O. Box 9611, Lakewood Station, Dallas 14, Texas, Telephone TAYlor 4-8683 (Office Address 6441 Gaston Avenue). Subscription rates: \$10.00 a year, \$6.00 for 6 months, \$3.00 for 3 months, \$18.00 for two years. For first class mail \$12.00 a year; by airmail (including APO and FPO) \$14.00 a year. Reprints of specific issues: 1 copy for 25¢; 6 for \$1.00; 50 for \$5.50; 100 for \$10.00—each price for bulk mailing to one person.

munist propaganda that is not labeled as such; (11) Humiliate America in the eyes of the world.

The report reveals that the communists are having remarkable success in achieving their objectives. The achievements are attributable, not directly to the communists themselves, but to powerful and influential people who claim to be anti-communist.

* * * * *

Supreme Court's Communist Decisions

The 1958 annual report of the American Bar Association's special committee on communism lists twenty cases which the Supreme Court of the United States has decided in the past two years — cases which "directly affect the rights of the United States and the 48 states to protect themselves from communism":

"1. *Communist Party v. Subversive Activities Control Board*. The Court refused to uphold or pass on the constitutionality of the Subversive Activities Control Act of 1950, and delayed the effectiveness of the Act. . . .

"Although eight years have elapsed since the passage of the Internal Security Act, the Communists have succeeded in preventing its enforcement and in blocking a final judicial determination of its constitutionality. The April 20, 1953, order of the Subversive Activities Control Board, issued after exhaustive hearings and backed by scholarly documentation, that the Communist Party, USA, must comply with said Act, still awaits enforcement. . . ."

"2. *Pennsylvania v. Steve Nelson*. The Court held that it was unlawful for Pennsylvania to prosecute a Pennsylvania communist party leader under the Pennsylvania Sedition Act, and indicated that the anti-sedition laws of 42 states and of Alaska and Hawaii cannot be enforced.

"3. *Yates v. United States*. The Court reversed two Federal courts and ruled that teaching and advocating forcible overthrow of our government, even 'with evil intent,' was not punishable under the Smith Act as long as it was 'di-

vorced from any effort to instigate action to that end,' and ordered five communist party leaders freed and new trials for another nine.

"4. *Cole v. Young*. The Court reversed two Federal courts and held that, although the Summary Suspension Act of 1950 gave the Federal Government the right to dismiss employees 'in the interest of the national security of the United States,' it was not in the interest of the national security to dismiss an employee who contributed funds and services to a not-disputed subversive organization, unless that employee was in a 'sensitive position.'

"5. *Service v. Dulles*. The Court reversed two Federal courts which had refused to set aside the discharge of John Stewart Service by the State Department. The FBI had a recording of a conversation between Service and an editor of the pro-Communist magazine 'Amerasia,' in the latter's hotel room in which Service spoke of military plans which were 'very secret.' Earlier the FBI had found large numbers of secret and confidential State Department documents in the 'Amerasia' office. The lower courts had followed the McCarran Amendment which gave the Secretary of State 'absolute discretion' to discharge any employee 'in the interests of the United States.'

"6. *Slochower v. Board of Education of New York*. The Court reversed the decisions of three New York courts and held it was unconstitutional to automatically discharge a teacher, in accordance with New York law, because he took the Fifth Amendment when asked about Communism activities. On petition for rehearing, the Court admitted that its opinion was in error in stating that Slochower was not aware that his claim of the Fifth Amendment would ipso facto result in his discharge; however, the Court denied rehearing.

"7. *Sweezy v. New Hampshire*. The Court reversed the New Hampshire Supreme Court and held that the Attorney General of New Hampshire was without authority to question Professor Sweezy, a lecturer at the State University, concerning a lecture and other suspected subversive activities. Questions which the Court said that Sweezy properly refused to answer included 'Did you advocate Marxism at that time?' and 'Do you believe in Communism?'

"8. *United States v. Witkovich*. The Court decided that, under the Immigration and Nationality Act of 1952, which provides that any alien against whom there is a final order of deportation shall 'give information under oath as to his nationality, circumstances, habits, associations and activities and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper,' the Attorney General did not have the right to ask Witkovich: 'Since the order of deportation was entered in your case on June 25, 1953, have you attended any meetings of the Communist Party of the U.S.A.?'"

"9. *Schware v. Board of Examiners of New Mexico*. The Court reversed the decisions of the New Mexico Board of Bar Examiners and of the New Mexico Supreme Court which had said: 'We believe one who has knowingly given his loyalties to the Communist Party for six to seven years during a period of responsible adulthood is a person of questionable character.' The Supreme Court ruled that 'membership in the Communist Party during the 1930s cannot be said to raise substantial doubts about his present good moral character.'

"10. *Konigsberg v. State Bar of California*. The Court reversed the decisions of the California Committee of Bar Examiners and of the California Supreme Court and held that it was unconstitutional to deny a license to practice law to an applicant who refused to answer this question put by the Bar Committee: 'Mr. Konigsberg, are you a Communist?' and a series of similar questions.

"11. *Jencks v. United States*. The Court reversed two Federal courts and held that Jencks, who was convicted of filing a false non-Communist affidavit, must be given the contents of all confidential FBI reports which were made by any Government witness in the case even though Jencks 'restricted his motions to a request for production of the reports to the trial judge for the judge's inspection and determination whether and to what extent the reports should be made available.'

"12. *Watkins v. United States*. The Court reversed the Federal District Court and six judges of the Court of Appeals of the District of Columbia, and held that the House Un-American Activities Committee could not require a witness who admitted 'I freely cooperated with the Communist Party' to name his Communist associates, even though the witness did not invoke the Fifth Amendment. The Court said: 'We remain unenlightened as to the subject to which the questions asked petitioner were pertinent.' The Court did not question 'the power of the Congress to inquire into and publicize corruption, maladministration or inefficiency in agencies of the Government.' The Court did question the right of Congress to inquire into and publicize Communism and subversion, and suggested that this 'involved a broad-scale intrusion into the lives and affairs of private citizens.'

"13. *Raley, Stern and Brown v. Ohio*. The Court reversed the Ohio Supreme Court and lower courts and set aside the conviction of three men who had refused to answer questions about Communist activities put to them by the Ohio Un-American Activities Commission.

"14. *Flaxer v. United States*. The Court reversed two Federal courts and set aside the conviction of Flaxer of contempt for refusing to produce records of alleged Communist activities subpoenaed by the Senate Internal Security Subcommittee.

"15. *Sacher v. United States*. The Court reversed two Federal courts and set aside the conviction of Sacher of contempt for refusing to tell the Senate Internal Security Subcommittee whether he was 'a member of the Lawyers' Section of the Communist Party.' In the second Sacher appeal, the Court again reversed the Court of Appeals and said that this question was not pertinent to the Subcommittee's investigation of Communist witness Matusow's recantation. The Court refused to hear any argument from the Government lawyers representing this Senate Subcommittee.

"16. *Yates v. United States*. In the second Yates appeal, the Court reversed two Federal courts and held that the refusal of Communist Party member Yates 'to answer eleven questions about Communist membership of other persons' did not constitute eleven contempts. In the third Yates appeal, the Court reversed two Federal courts and held that Yates' contempt sentence of one year should be reduced to the 15 days already served for this contempt.

"17. *Bonetti v. Rogers*. The Court reversed two Federal courts and held that, although the Internal Security Act of 1950 provides that any alien, who 'at any time' after entering the United States shall have been a member of the Communist Party, is deportable, Bonetti, an alien who became a Communist after entering the United States, was not deportable because he had reentered after quitting the Party. The dissenting judges charged that this construction reads 'at any time' out of the Act and the word 'last' into the statute, and 'cripples the effectiveness of the Act.'

"18. *Consul General for Yugoslavia v. Andrew Artukovic*. The Court reversed two Federal courts and held that Artukovic, an anti-Communist refugee from Yugoslavia who is living with his wife and children in California, could not claim political asylum in America, but had to submit to an extradition hearing which would be based on Yugoslavia's political charges.

"19. *Rockwell Kent v. Dulles*. The Court reversed two Federal courts and held that the State Department could not require every applicant for a passport to file a non-Communist affidavit.

"20. *Dayton v. Dulles*. The Court reversed two Federal courts and held that the State Department had to give a passport to a research physicist whose passport application to accept a job in India had been denied for security reasons. The Secretary of State had found that Dayton had lived for eight months with a Communist who 'was involved in the espionage apparatus of Julius Rosenberg' and that Dayton was going to work in India with another Communist 'who recently renounced his American citizenship'."

Communist Objective Number One

The American Bar Association 1958 Report on communism says:

"FBI Director J. Edgar Hoover testified January 16, 1958, at a House hearing made public in May, that 49 of the 108 top communists convicted by Federal juries under the Smith Act have been set free by Supreme Court decisions.

"Judge Richard H. Chambers of the U. S. Court of Appeals, in a decision releasing 11 of these top communists, said that Supreme Court decisions have left 'the Smith Act, as to any further prosecution under it, a virtual shambles'

"A top communist functionary described the decision in the Smith Act case of June 17, 1957, as 'the greatest victory the communist party in America has ever received'

"Other anti-communist laws which have been targets of the communist party, and which are now nullified or weakened by the foregoing 20 cases, are the Subversive Activities Control Act of 1950, the anti-sedition laws of 42 states, Alaska and Hawaii ... the Immigration and Nationality Act of 1952, and the Summary Suspension Act of 1950."

Thus, Number One of the communist conspiracy's eleven major objectives in the United States — nullifying all anti-communist legislation — has been achieved by the Supreme Court of the United States.

* * * * *

Communist Objective Number Two

In discussing communism's Number Two objective in the United States — the muzzling of all official investigations of communism — the American Bar Association's special committee report for 1958 says:

"For years the communist party has poured out its most hysterical language against what the reds call 'the Gestapo-like FBI,' and congressional 'inquisitions' and 'witch hunts.' This tactic has been so successful that it is now said that the communists don't have to tell congressional committees anything.

"Judge Robert Morris, Chief Counsel for the Senate Internal Security Subcommittee for six years, said:

"The power of the Congress to learn the underlying facts of the (communist) conspiracy has been hamstrung since the decision in the Watkins Case."

"In the first session of Congress since the Watkins decision, the House Un-American Activities Committee conducted only one investigation and the Senate Internal Security Subcommittee held only one public hearing. On July 5, 1958, the press reported that congressional investigations into the communist conspiracy have reached an all-time low for the last two decades, although committee files are bulging with data on the conspiracy which are crying for exploration."

* * * * *

Communist Objective Number Three

Discussing communist Objective Number Three for the United States — destruction of all security systems of federal and state governments — the American Bar Association's 1958 report says:

"This tactic (i.e., objective) has been completely successful in regard to non-sensitive positions ... evidence is abundant that the communist conspiracy considers non-sensitive positions vitally important.

"Military security officers have caught communist janitors collecting the contents of waste baskets and communist stenographers making an extra carbon copy of all documents and mailing them to their communist superiors....

"There are more than 300 government employees dismissed or suspended as security risks who are due to be reinstated with back pay....

"As a result of the June, 1958, decisions in the Kent and Dayton cases, the State Department has had to issue 77 passports to suspected subversives and has another 70 applications pending whose travel abroad will be against the security of the United States."

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Communist Objective Number Four

Discussing communist Tactic Number Four — The Peace Offensive — the American Bar Association's 1958 report says:

"On April 1, 1951, the House Un-American Activities Committee issued a report called 'The Communist Peace Offensive: A Campaign to Disarm and Defeat the United States.' This document showed in detail how intellectuals, professors, writers, and others who influence public opinion were sucked into various communist peace fronts. . . .

"Peaceful co-existence means communist conquest without war. In his February, 1956, Report to the 20th Congress (of the Communist Party, Soviet Union) Khrushchev asserted . . . that peaceful co-existence would lead to the victory of world communism."

* * * * *

Communist Objective Number Five

Concerning the communist tactic of promoting summit conferences between the American President and communist heads of government, the American Bar Association special report quotes anti-communist experts as saying:

"The Kremlin looks upon a summit conference solely as another weapon in its program of global conquest. . . . The purpose of the Soviet Union is not to negotiate peace but to disarm the West intellectually and psychologically."

The ABA report says President Eisenhower is right in not holding any more summit conferences with communists until they have shown proof of good faith by keeping their previous promises. The ABA report does not point out that Eisenhower was all set to have a summit conference with Khrushchev in the summer of 1958, but that Khrushchev called it off, apparently in response to pressure from Red China.

Of the eleven major communist objectives, the *only one* not appreciably advanced in 1958 was Number Five; and the only reason for this was that the communists themselves called off the summit meeting.

* * * * *

Communist Objective Number Six

The American Bar Association's 1958 report on communism says:

"Nikita Khrushchev's famous report of February, 1956, lists 'cultural and business exchanges' as one of those developments which will bring about the growing weakness of the United States and advance world socialism.

"On June 2, 1957, Khrushchev appeared on American television screens and called for a wider exchange of cultural delegations.

"On December 22, 1957, the communist Daily Worker declared that 'perhaps the best Christmas present Santa Claus will bring America' will be the widespread cultural exchange of certain Americans with Soviet agents coming to this country.

"On January 27, 1958, the United States signed a two-year agreement with Soviet Russia for the exchange of persons in the cultural, scientific, technical and educational fields. . . .

"Every single delegate from Russia or a satellite country... (is) either a member of the Soviet secret police or the Soviet espionage apparatus. The primary activity of every one of Moscow's 'cultural' delegates while in this country is to promote the communist world revolution.... Every Soviet football team, every athlete competing at an international sport event, Soviet scientists attending a Congress abroad, the Moscow Ballet performing in a western capital or a group of Soviet artists at a film festival are invariably accompanied by special agents of the Soviet secret police...."

"In past years of the exchange, secret police have passed as farmers, ice-skaters, clergymen, and scientists for the purpose of conducting espionage operations in this country...."

"Moscow has also used the visitor-exchange program as a means of weakening U. S. security regulations...."

"Cultural exchange with Soviet Russia is a one-way street."

"When Americans go to Russia, they... see only what the communists want them to see.... For example, in the Ukraine, the Soviet Government built a children's playground over a mass grave of thousands of anti-communists. Visitors to Russia, seeing only the surface, come home and report how kind communists are to their children...."

"Communist visitors to the United States have been given access to our industrial and agricultural know-how, as well as to some of our scientific and military installations."

* * * * *

Number Seven — Recognition of Red China

The ABA 1958 report on communism says:

"Diplomatic recognition is essential to communist subversion. The communist espionage apparatus needs the diplomatic immunity of its embassies and consulates to set up spy centers. It needs the unbroken

seal of the diplomatic pouch to transmit orders and to receive back their reports and microfilmed documents."

As the autumn of 1958 began, the communists had made no official headway with the American Government in obtaining recognition of red China. But the sabre-rattling at Formosa had the Eisenhower administration ready to "talk peace" with the reds; and the powerful 'liberal' forces of America were demanding that we recognize red China and seat her in the United Nations.

During United Nations Week in October, for example, Southern Methodist University staged a "mock Assembly" of the United Nations. This "mock Assembly" admitted and seated Red China.

* * * * *

Number Eight — Halting Nuclear Tests

The ABA 1958 report on communism says:

"The net results of the suspension of nuclear tests would be that the United States would stop testing but that, within the vast, isolated Soviet land mass, there would be circumvention of the ban on testing."

Throughout 1958, we have been officially negotiating with the Soviets for nuclear disarmament, and the 'liberals' in America have been screaming for an agreement. Our government has reached no agreement; but, in merely holding the talks with communists, we indicate belief that communists are decent people whom we can bargain with. Every month that goes by without an agreement gives them an enormous propaganda advantage—and draws us closer to the danger point of making some kind of nuclear disarmament agreement with them.

Number Nine — East-West Trade

The ABA 1958 report on communism says:

"Khrushchev's report of February 14, 1956, calls for East-West trade; and this has been part of the communist line for many years. Foreign trade to a communist country is a means of waging cold war. It is a means of obtaining from the outside world the strategic materials with which it can arm itself for world conquest.... The goods we might sell to the communist bloc will be used against us just as the superb Rolls-Royce jet engines sold to Russia were used to power the MIG-15s against us in Korea."

Throughout 1958, our government continued to remove strategic items from the embargo list — the list of goods which nations receiving American foreign aid are not supposed to ship to Red China. Throughout the year, the trade in strategic goods between our allies — notably, England — and communist countries steadily increased.

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Number Ten — Propaganda

The ABA 1958 report on communism says:

"In one day, communist propaganda coming through New York City alone filled three large warehouses, and not a single piece is labeled 'communist propaganda' as required by the Foreign Agents Registration Act."

The ABA report does not point out that much of this propaganda comes in the diplomatic pouches of UN delegations and that it is distributed in the United States at the expense of American taxpayers — by the U. S. Postal system under special rates designed for newspapers and educational materials.

* * * * *

Number Eleven — Humiliation

The ABA 1958 report on communism says:

"Communists masterminded insulting demonstrations all over South America against Vice President Nixon.... On July 18, 1958, a mob of 100,000 communists gathered in front of the American Embassy in Moscow and threw ink bottles and stones which shattered most of the windows on the first five floors...."

"This summer, there has been the series of kidnappings of American citizens.... In addition, there is an untold number of Americans who are being held captive in the Soviet Union. In an interview this summer, John Noble, one of the few captives who has been released, made this statement about American prisoners in red slave labor camps:

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Dallas 14, Texas

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CITY AND STATE

"'Every day the Russians taunted us — If you had a government in America, they'd get you out.'"

* * * * *

Who Did It?

The American Bar Association's 1958 report on communism shows that the communists, throughout the year, made rapid advances in achieving ten of their eleven major objectives.

The Supreme Court of the United States achieved the first three objectives for the communists; and politicians like Senator Lyndon Johnson clinched the achievement.

On May 11, 1958, the communist party's *Sunday Worker*, New York, after exulting over Supreme Court decisions which had nullified anti-communist legislation, destroyed anti-communist security systems, and halted official anti-communist investigations in the United States, demanded defeat of any proposed legislation designed to overcome the Supreme Court's pro-communist decisions.

Congressman Howard Smith (Democrat, Virginia) introduced a bill in the 85th Congress which would have restored state jurisdic-

tion in subversive and other important fields. The one man primarily responsible for defeat of the Smith Bill was Senator Lyndon Johnson of Texas. Many southerners who have long called Lyndon Johnson a traitor to the south, now simply call him a traitor.

Many of America's respected intellectuals also do their bit for the communist cause.

The American Bar Association 1958 report on communism says:

"The ousted editor of the Daily Worker, John Gates, now performs the function of a Tito within the United States. Gates is infinitely more valuable to communism lecturing at American colleges and universities than he ever was while with the Daily Worker. Gatesism promotes the apathy of the intellectuals under the theme: 'Communism is dying out.'"

"The communists aim to keep us complacent until the choice is annihilation or surrender, at which time they confidently expect us to submit to a negotiated surrender."

Has John Gates lectured to the students and faculty of a respected university in your town? He has performed that service for communism at Southern Methodist University in Dallas — and at other universities elsewhere in America.

WHO IS DAN SMOOT?

Dan Smoot was born in Missouri. Reared in Texas, he attended SMU in Dallas, taking BA and MA degrees from that university in 1938 and 1940.

In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for the degree of Doctor of Philosophy in the field of American Civilization.

In 1942, he took leave of absence from Harvard in order to join the FBI. At the close of the war, he stayed in the FBI, rather than return to Harvard.

He served as an FBI Agent in all parts of the nation, handling all kinds of assignments. But for three and a half years, he worked exclusively on communist investigations in the industrial midwest. For two years following that, he was on FBI headquarters staff in Washington, as an Administrative Assistant to J. Edgar Hoover.

After nine and a half years in the FBI, Smoot resigned to help start the Facts Forum movement in Dallas. As the radio and television commentator for Facts Forum, Smoot, for almost four years spoke to a national audience giving both sides of great controversial issues.

In July, 1955, he resigned and started his own independent program, in order to give only one side — the side that uses fundamental American principles as a yardstick for measuring all important issues.

If you believe that Dan Smoot is providing effective tools for those who want to think and talk and write on the side of freedom, you can help immensely by subscribing, and encouraging others to subscribe, to *The Dan Smoot Report*.

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